

STATE BOARD OF ELECTIONS

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Response to DLS Analysis

SBE should be prepared to discuss its contract monitoring and oversight procedures and specifically discuss the disputed Diebold invoices.

The SBE Contract Manager monitors the Diebold Contract daily to ensure the contract is completed within established timelines and within the approved budget. The Implementation Plan is reviewed weekly to ensure milestones are met and on time. Minority Business Enterprise (MBE) goals are also monitored monthly to ensure MBE goals are on target.

Disputed Diebold Invoices

In July 2002, invoicing procedures were established between SBE and Diebold. On or about September 2004 the Diebold Comptroller and employees in the Texas Diebold Finance Department resigned. The resignations created havoc for the Diebold Finance Department and Diebold stopped producing invoices between September 2004 and March 2005. Diebold resumed invoicing SBE in April 2005. However, the invoices Diebold submitted for the previous time period did not meet the invoicing procedures established in July 2002; many of the prices and services were incorrect. Therefore, SBE returned the disputed invoices to Diebold for correction. Diebold did not provide corrected invoices until August 2005, at which time SBE paid over \$4.3 million in back-dated invoices.

SBE should be prepared to brief the committees on how it intends to implement Chapter 5, Acts of 2006 and the expected cost of implementation.

SB 478 requires early voting beginning the Tuesday before the election through the Saturday before the election. For these 5 days, the locations must be open for 8 hours each day. The 7 largest counties (Anne Arundel, Baltimore City, Baltimore County, Harford, Howard, Montgomery, and Prince George's) must have three early voting locations and in the remaining 17 counties only one site is required.

The local boards of elections will face challenges in implementing early voting, including:

1. Finding a sufficient number of election judges who are willing to work for five days and providing them with training;
2. Choosing an early voting polling place location that:
 - a. Is large enough to handle the anticipated volume of voters;
 - b. Has sufficient parking;
 - c. Is accessible to voters with disabilities;
 - d. Has the necessary telephone and computer connections;
 - e. Is available for 5 days; and
 - f. Has sufficient security for the overnight storage of voting units;
3. Oversight of early voting location while conducting regular election preparation activities and
4. Programming the voting units for all ballot styles

The State Board of Elections is required to develop regulations and guidelines for the implementation of early voting. As with other new projects, the State Board will work closely with the local election officials in developing the regulations and guidelines. The regulations and guidelines will have to address:

1. The requirements for early voting locations (i.e. size, communications, parking, etc.);
2. Minimum number of election judges required at each location;
3. The number of voting units and supplies required at each location;
4. The times during which each early voting location must be open (the legislation specifies 8 hours each day – but not which 8 hours); and
5. Guidelines for the security of the voting systems while at the early voting sites.

Perhaps the biggest challenge in implementing early voting is managing the precinct register and voter authority cards. On a single election day, updating, printing, and distributing the precinct register and voter authority cards are an administrative challenge. However, with early voting that challenge is greatly intensified and has important implications for election integrity and the smooth operation of the early polling location. State and local election officials are in unanimous agreement that electronic poll books can address all of the issues raised by early voting.

The State Board has submitted a supplemental budget (*see Attachment I*) request to the Governor that includes the necessary funding for e-poll books, additional voting units, election judge salaries, anticipated polling location costs, voting unit security costs, and other anticipated costs of early voting. A detailed explanation and justification for electronic poll books is also included in the attachment.

Attachment 1

Legislation requiring the State and local boards of election to implement early voting has been passed by the General Assembly effective for the upcoming 2006 election. The legislation contains an uncodified section requiring the Governor to allocate the resources necessary to implement the requirements of this act. Accordingly, attached is a list of the associated costs for implementing early voting and a detailed justification for the most significant of those costs, electronic poll books.

Estimated Costs

Description	Amount
<p>1. Election Judges – We estimate that 10 election judges will be needed at each early voting location. The average daily salary for an election judge is \$150. Early voting will occur for a total of 10 days (five days prior to each election). 17 Counties will need at least 10 judges for 10 days @ \$150 = \$255,000 7 Counties will need at least 30 judges for 10 days @ \$150 = \$315,000</p>	\$570,000.00
<p>2. Facilities – Many of the facilities used for election day polling places are free. However, given the increase in the amount of time and the fact that schools cannot be used, it is likely that a facility charge will have to be paid by the local boards of elections. It should also be noted that very few local election offices have the physical space requirements necessary to accommodate early voting in their election office.</p> <p>There will be a need for a total of 38 early polling sites. We estimate a facility charge of \$2,000 to cover both the Primary and the General Election.</p>	\$76,000.00
<p>3. Supplies – Each early polling location will have to have all of the necessary signs, materials to last 5 days, and a sufficient supply of paper ballots for each ballot style used in the county to accommodate provisional voters. In addition, the voting units deployed to the early voting site cannot also be used on election day. This may result in the need to increase the number of voting units on hand.</p> <p>General Supplies - \$200,000 Paper Ballots - \$150,000 Voting Units - 250 additional voting units - \$687,500</p>	\$1,037,500.00
<p>4. Security of voting units – A minimum of one guard per voting site every night of early voting until election day (8 nights); from close of polls to open of polls the next day (12 hours); at an estimated \$20/hour = \$75,000. Tamper Tape – sealing each voting unit at the close of each day = \$10,000.</p>	\$85,000.00
<p>5. Procedures – The development and implementation of procedures, including judges manual, training sessions, etc.</p>	\$100,000.00
<p>6. E-Poll Books – The total cost for poll books (including implementation and services) is approximately \$28 million. However, we are proposing a 5-year lease through the State Treasurer. Accordingly, only the estimated FY 07 supplemental budget request is being provided.</p>	\$11,508,908.00
	\$13,377,408.00

E-Poll Books

Maryland election officials are uniformly in agreement that in order to effectively administer early voting, electronic poll books (e-poll books) are an absolute necessity. This is because early voting raises several very significant elections administration issues that the e-poll book can resolve.

Issue 1: There are two issues of election fraud raised by early voting. First, in a county that has more than one early polling location, election officials will not be able to prevent a voter from voting at more than one of the locations. While this type of fraud would certainly be detected after the election, during an election this type of activity is difficult to detect or stop. Second, since early voting does not end until the Saturday before the election, there is not sufficient time to update the precinct register¹ and Voter Authority Cards (VACs)² that will be deployed to the polling places. Again, this means that a dishonest voter will be able to vote during the early election period and then again on election day. This will be detected by election officials, but not until after the election.

Resolution 1: The e-poll books resolve this problem by computerizing the entire statewide voter registration database. During early voting, the e-poll books are networked together so that when a voter checks in to vote, all of the other e-poll books are immediately updated, thereby preventing the possibility that the voter will be allowed to vote again at another location. Similarly, since the e-poll books can be easily and rapidly updated with all of the early voting information, a voter will not be able to cast a ballot during early voting and then again on election day.

Issue 2: On a normal election day, there are only one or two possible ballot styles that the election judge needs to issue to the voter. However, at an early polling location, an election judge in a large county such as Prince George's County will have to correctly assign one of 151 possible ballot styles to a voter.

Resolution 2: The e-poll book contains all of the voter's registration information, including the district and precinct in which he or she resides. The e-poll book is also equipped with a device that encodes the smart card that assigns the proper ballot style to the voter. Accordingly, once the election judge looks up the voter on the e-poll book, the e-poll book will determine the correct ballot style and issue the correct smart card. This will eliminate the possibility for a great deal of error and confusion at the early polling locations.

Issue 3: Currently the local election offices only have to produce one set of precinct registers and VACs. With early voting they will have to produce one set of precinct

¹ The precinct register is a list of registered voters who are assigned to that precinct. When the voter comes to vote, the election judge looks the voter's name up in the precinct register to confirm that the voter is eligible to vote a regular ballot in that precinct. The precinct register also serves the intended purpose of ensuring that a voter does not vote more than one time.

² Voter Authority Cards are cards that contain the voter's registration information. The voter is given the card to sign and then hands it to the voting unit Election Judge before the voter is allowed to vote on the voting unit.

registers and VACs for election day and one to three extra precinct registers and VACs for the early voting polling locations. Currently, a medium sized county such as Harford estimates that creating the precinct register and VACs for an one day election is \$14,000; to accommodate three early voting locations they will face a 300% increase in these costs.

Resolution 3. E-poll books eliminate the printing and management costs associated with the precinct register. Up-to-date data is rapidly downloaded to the e-poll book prior to the election. The VACs are created by the printer component of the e-poll book – thereby eliminating the need to pre-print the information.

Issue 4. On a normal election day, an election judge only has to locate a voter's name on a precinct register or within a VAC box containing one precinct's worth of voters. However at an early voting location the judge will have to locate the voter's name from a countywide list of registered voters. This will obviously take much longer and be more cumbersome for the election judge. It will also frustrate the intent of early voting which is to better serve the Maryland voters.

Resolution 4. The e-poll books greatly speed-up the voter check in process because the election judge merely types the voter's name into the search field, locates the voter and prints out a VAC. This is obviously much faster than looking through a large book of names and then a box of cards with names. The e-poll books also eliminate the need to split lines alphabetically (which is done to make the precinct register and the VACs the election judges are searching through more manageable). In our 2004 post election analysis, it was determined that the line splits were a major contributing factor to long lines at the polls.

Issue 5. Updating voter history after an election to record which voters voted is a lengthy and cumbersome process. However, this type of information will be of much greater interest to the public and the parties following early voting. The parties will want this information for the purpose of tailoring their election day get out the vote activities. However, there is no way for election officials to provide the information.

Resolution 5. The e-poll books will allow for detailed daily updates on voter turnout information.

Conclusion

Section 2-102(b)(7) of the Election Law Article requires the State Board to, "maximize the use of technology in election administration, including the development of a plan for a comprehensive computerized election management system." With the implementation of e-poll books, the State Board will have accomplished its plan for establishing a comprehensive computerized election management system. The investment in e-poll books will allow the State to maximize its prior investment in the voting system and voter registration system.